

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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In re

Tennique Shaw,
Debtor.

Case No. 16-43585-nhl
Chapter 13

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MOTION TO EXTEND THE AUTOMATIC STAY

Tennique Shaw (the “Debtor”) filed a petition for relief under chapter 13 of the Bankruptcy Code on March 25, 2016. The Debtor’s case number for her initial filing was 16-41211. Marianne DeRosa (the “Trustee”) made a motion to dismiss the Debtor’s first case on May 25, 2016. The order granting the Trustee’s motion and dismissing the Debtor’s initial filing was entered on July 29, 2016. The Debtor filed a second petition for relief under chapter 13 of the Bankruptcy Code with the above captioned case number on August 9, 2016.

Pursuant to 11 U.S.C. § 362(c)(3)(A), the stay in the Debtor’s current bankruptcy case is set to expire on September 8, 2016. 11 U.S.C. § 362(c)(3)(B) allows the Debtor, as a party in interest, to make a motion for the extension of the automatic stay beyond the first 30 days of the Debtor’s bankruptcy case after notice and a hearing, if the Debtor can demonstrate that the second filing was made in good faith as to the creditors to be stayed.

The Debtor’s filing of this petition is in good faith. The Debtor was out of work due to the repossession of her vehicle for a period of time prior to the filing and the inability to find child care, which prevented the Debtor from making her plan payments in her initial case. The

Debtor has gotten her vehicle returned, resolved her child care needs and returned to work and will now be able to make payments in accordance with a chapter 13 plan.

WHEREFORE, the Debtor respectfully requests that an order be entered extending the automatic stay in this case.

Respectfully Submitted,

/s/ Irene Costello
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PROPOSED ORDER

WHEREAS, Tennique Shaw (the “Debtor”) filed an initial petition for relief under chapter 13 of the Bankruptcy Code on March 25, 2016; and

WHEREAS, the Debtor’s initial case was dismissed on July 29, 2016; and

WHEREAS, the Debtor filed a second petition for relief under chapter 13 of the Bankruptcy Code on August 9, 2016; and

WHEREAS, pursuant to 11 U.S.C. § 362(c)(3)(A) the automatic stay in the above captioned bankruptcy case will expire after 30 days; and

WHEREAS, the Debtor has made a motion pursuant to 11 U.S.C. § 362(c)(3)(B) to extend the automatic stay in the above captioned bankruptcy case; and

WHEREAS, a hearing was held on the Debtor’s motion to extend the automatic stay on XX/XX/2016;

NOW, THEREFORE, IT IS

ORDERED, that pursuant to 11 U.S.C. § 362(c)(3)(B), the automatic stay in this bankruptcy case is hereby extended beyond the 30 day period discussed in 11 U.S.C. § 362(c)(3)(A).